

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE

JOHN K. ELLIS
CANDICE R. ELLIS,

Debtors.

Chapter 13
Case No. 18-10405

OBJECTION TO CH 13 TRUSTEE'S MOTION TO DISMISS

Debtors JOHN K. ELLIS and CANDICE R. ELLIS, by and through their attorney Elizabeth Fairbanks-Fletcher, Esq., Fairbanks Fletcher Law PLLC, hereby oppose the motion by the Chapter 13 Trustee to dismiss Debtors' case (the "Motion") and respectfully state:

1. On March 15, 2018, Debtors filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. The Chapter 13 Trustee filed a motion to dismiss Debtors' case for failure to fund in proceeds from a lawsuit.
3. Joint Debtor was represented by legal counsel as part of this class action suit. Said counsel was advised of this bankruptcy filing and that their office was required to keep the trustee informed of the case as it progressed and to turn over the proceeds to the Chapter 13 trustee. That did not happen. I am attempting to engage Debtor's counsel for resolution of this failure to fund the proceeds to the trustee.
4. Debtors desperately want to complete this bankruptcy to discharge.
5. Debtors seek an adjournment so I might be able to obtain resolution with the Debtors' litigation counsel.

WHEREFORE, Debtors respectfully pray of the Court for the relief requested herein, together with such other and further relief as may be just and proper.

Dated: January 09, 2025

/s/ Elizabeth Fairbanks-Fletcher, Esq. 513317
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